

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BENYEHUDAH WHITFIELD,

Plaintiff,

v.

DR. RAJENDRA GUPTA,

Defendant.

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Cause No. 04-CV-420-WDS

MEMORANDUM & ORDER

STIEHL, District Judge:

This matter is before the Court for docket control. The case is currently scheduled for trial on October 7, 2008. However, there are several criminal cases which are also scheduled on the Court's docket for trial on that date. Accordingly, the Court **HEREBY** continues the trial in this matter until **Tuesday, January 6, 2009 at 9:00 A.M.**

Also before the Court are several motions filed by the plaintiff. Upon review of the record, the Court rules as follows:

1. Plaintiff's motion for extension of time to submit proposed voir dire and jury instructions (Doc. 105) is **GRANTED**. Plaintiff has been appointed stand-by counsel, John McCord, who shall be responsible for preparing both proposed voir dire and proposed jury instructions. The parties shall submit any proposed voir dire and proposed jury instructions to the Court on or before December 22, 2008.

2. Motion for the Illinois Department of Corrections to provide plaintiff with legal calls (Doc. 108). In light of the continuance of this matter for trial, the motion is **DENIED**.

Plaintiff's stand-by counsel shall, however, promptly communicate with plaintiff concerning the necessity of legal calls and make appropriate arrangements with IDOC for calls reasonably necessary for the plaintiff's preparation for trial.

3. Motion for Writ of Injunction (Doc. 112). In light of the continuance of this matter for trial, the plaintiff's motion is **DENIED** as moot.

The Court will consider plaintiff's motion for issuance of subpoenas (Doc. 107) before trial.

IT IS SO ORDERED.

DATED: September 15, 2008

s/**WILLIAM D. STIEHL**
DISTRICT JUDGE